

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE GRAND JURY SUBPOENA
PROCEEDING v. CORREIA, et al

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) Docket No. 05-MC-10206-MBB
)

ASSENTED-TO MOTION FOR RELEASE AND RETURN OF PASSPORTS

Certain material witnesses in the above-captioned matter, Joe Cherian, Jagdish Chand, Raj Rajesh Fernando, Ranjish Mukulam, Menom Sivasdas and Ankur Srivastav (the “Material Witnesses”), all Indian nationals, hereby move, with the assent of the government, for an Order that they be released pursuant to 18 U.S.C. § 3144 and that their passports be returned to them. As support for this Motion, the Material Witnesses state as follows:

1. On May 19, 2005, in connection with a grand jury proceeding involving alleged improper discharges of oil on the MSC Elena, a foreign flag cargo vessel, the government applied for – and this Court issued – material witness warrants under 18 U.S.C. § 3144 against, *inter alia*, the Material Witnesses.

2. On May 20, 2005, the Material Witnesses appeared before the Court and were released pursuant to certain conditions. One of these conditions requires the Material Witnesses to remain in Boston.¹

3. The government has assented to the release of the Material Witnesses as their presence in the United States in connection with the above-referenced grand jury investigation is no longer necessary.

¹ On May 24, 2005, the Court granted a motion to modify one of the conditions of release (*i.e.*, since that date, the Material Witnesses have been lodged at the Mariners House in Boston, rather than the Holiday Inn at Logan Airport).

4. Under these circumstances, the interests of justice support the release of the Material Witnesses.

WHEREFORE, the Material Witnesses respectfully request that the Court grant this Motion and order their release and return of their passports.

Respectfully submitted,

Joe Cherian
Jagdish Chand
Raj Rajesh Fernando
Ranjish Mukulam
Menom Sivadas
Ankur Srivastav

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Dated: December 16, 2005